

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MITCHELL THOMAS ELLIS,

Case No. 18-CV-0342 (NEB/TNL)

Petitioner,

v.

**ORDER ACCEPTING REPORT AND
RECOMMENDATION**

STATE OF MINNESOTA,

Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge Tony N. Leung dated October 30, 2018 [ECF No. 15]. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation [ECF No. 15] is ACCEPTED;
1. Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [ECF No. 1] is DENIED;
2. Respondent's Motion to Dismiss [ECF No. 7] is GRANTED;
3. This action is DISMISSED WITH PREJUDICE; and

4. No certificate of appealability be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 10, 2018

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge